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Worldwide Report

LAW OF THE SEA

No. 193



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FOREIGN BOATS NOT FILLING NEW ZEALAND FINFISH QUOTAS

Christchurch THE PRESS in English 3 Mar 82 p 5

[Text]

PA Wellington
Foreign fishing boats have taken much less than their quota of finfish this year, and little of the season remains.

By mid-February, Russian foreign-licensed boats had taken little more than a quarter of their quota for the year ending March 31, according to the Ministry of Agriculture and Fisheries.

Japan had taken only 29 per cent, and South Korea had taken only 58 per cent of its small allocation.

The low catches are a boon to New Zealand, because they do not affect its earnings from foreign fish licences and also help preserve fish stocks.

Russian boats, which are restricted to the stormy waters of fishing area E south of the South Island, had caught only 9000 tonnes of their total yearly quota of 32,500 tonnes, said the Fisheries Management Division's assistant director, Mr Tom Norris.

This was 5000 tonnes less than at the same time last year.

Japan had taken about 19,000 tonnes of its total quota of 66,000 tonnes, compared with 24,000 tonnes at the same time last year, Mr Norris said.

South Korea has a small allocation of only 2300 tonnes

a year, and by mid-February had taken about 1300 tonnes.

The reasons for the low catch were varied, including fewer boats, difficulties in finding fish, poor weather, and mechanical problems, said Mr Norris.

"But the lower catch does not affect New Zealand's earnings at all. It is almost a boon to New Zealand because presumably the fish they don't catch will be available next year."

The foreign licensed boats pay a fixed amount for every tonne of fish they are allocated — a fee they must pay regardless of the actual catch.

New Zealand's earnings from the licence fees this year will be about \$550,000 from Russia, \$1.3 million from Japan, and \$53,000 from South Korea.

Foreign licensed boats fish for lower-valued species such as barracouta, ling, and southern blue whiting. They have virtually no access to higher-valued species such as orange roughy, the prime species taken by joint ventures.

Joint ventures have exhausted their total quota of higher valued finfish species outside the inhospitable area E, and are now fishing for squid.

SEMINAR CALLS FOR EXPLOITATION OF SEA RESOURCES

Dacca THE BANGLADESH OBSERVER in English 12 Mar 82 pp 1, 12

[Text] The two-day national seminar on marine fisheries development in Bangladesh concluded in Dacca on Thursday with a number of recommendations to exploit the sea resources to the maximum level, reports BSS.

Spread over four technical sessions, the two-day seminar recommended for doubling the present production without depleting the stock.

It also emphasised for more intensive survey particularly pelagic resources as well as other non-conventional varieties like deep sea lobsters, deep sea shrimps, squids and cuttle-fishes. The seminar besides other recommendations, suggested for giving preference to joint venture programmes for exploitation and utilisation of varieties other than coastal marine shrimps, keeping in mind the national interest.

This would bring in quick transfer of technologies in exploitation and utilisation of pelagic fish resources and non-conventional items, the seminar suggested.

Addressing the afternoon session on Thursday, State Minister for Forests, Fisheries and Livestock Mr Amirul Islam Kaiam, said that a scheme had been undertaken to bring one lakh acres of land in coastal belt under shrimp cultivation.

He called upon the scientists and experts to find out ways and means to exploit the fish resources of the Bay of Bengal and utilise them for development of the national economy. Mr Kalam also cautioned the concerned agencies not to go for over-fishing which might damage the existing fishing grounds.

The concluding session was presided over by Mr M.E. Anwar, Secretary, Ministry of Forests, Fisheries and Livestock.

The seminar also suggested moderate expansion of trawler fleet to a level of approximately double the present harvest, further introduction of trawlers and fishing boats, diversification of fishing technology both in small scale and deep-sea fishing and standardisation of existing trawlers.

It also emphasised the demarcation of fishing zone between small-scale and deep-sea operation.

CSO: 5000/7032

PLANS TO INCREASE SEA FISH CATCH LAUDED

Calcutta THE SUNDAY STATESMAN in English 14 Mar 82 p 6

[Editorial]

[Text]

The plans reportedly prepared by the Central Marine Fisheries Research Institute to increase the country's sea fish catch from the present 1.4 million tons to 3.5 million tons by the end of the Sixth Plan are welcome at a time when the fishing industry is in the doldrums. The enthusiasm noticeable five or six years ago seems to have waned. A spokesman of the Association of Indian Fishery Industries, mainly representing large commercial houses, recently complained that they were unable to compete in the world market because of two factors: a steep rise in operating costs because of increasing diesel prices and stagnation in the prices of shrimps, which account for 87% of the earnings from fish exports. The rise in the cost of trawlers from Rs 45 lakhs two years ago to about Rs 70 lakhs now has also inhibited the entrepreneurs. There is said to have been no investment in recent years, and several well-known companies have opted out of the enterprise. To make things worse, shrimp catches have fallen, apparently because of wrong fishing methods. The practice of dragging heavy weights along the seabed to force prawns out of their natural habitat may lead to a temporary increase in catches, but the yield, it is said, would ultimately fall because of indiscriminate destruction of breeding grounds. This is reported to have happened in seas near Thailand, which perhaps explains why Thai trawlers are being increasingly found poaching in the Bay of Bengal.

The decline in shrimp catches in Indian waters have forced seagoing trawlers to turn more and more to the traditional fishing grounds of smaller fishermen, often provoking unpleasant skirmishes. It has been suggested that the bigger operators should be diverted from shrimps to other varieties of fish; but enough trawlers are not available for exploration, nor is enough known about new fishing grounds to encourage such ventures. In fact, 20 new trawlers being imported are only suitable for catching shrimps. The country has now a total of only 57 trawlers against 7,000 in Taiwan and nearly twice that number in Japan. Of these 57, only seven are said to be capable of deep sea fishing; the others tend to stay close to the coast. Various measures, like soft loans to encourage entrepreneurs, have been proposed, while the Fisheries Research Institute has drawn up plans to help small fishermen buy boats or modernize them. The latter emphasis, of course, is not misplaced, because it is the six million fishermen using traditional catamarans as well as mechanized boats who account for nearly 65% of the catches. Yet most of them live in poverty and at the mercy of middlemen.

BRIEFS

TANKER FOR SMUGGLING SEIZED--The Indonesian customs and excise patrol boat 3007 this morning intercepted a 1,000-ton tanker flying the Panamanian flag, which was about to unload smuggled goods worth nearly 1 billion rupiah north of Merak [West Java]. The tanker was sailing slowly at dawn off (Tanggalan) Cape, North Merak, thus attracting the attention of the customs patrol boat, which left Tanjungpriok Port, Jakarta, yesterday on patrol duty. After investigating the tanker's documents, it was found that the tanker had no permit to enter Indonesian waters. The documents only showed that the tanker, which came from Singapore, was to head for Miri in Sarawak. The director general of the customs and excise service this afternoon ordered the commander of the Indonesian customs and excise patrol unit to tow the tanker to Tanjungpriok Port. [Text] [BK280408 Jakarta Domestic Service in Indonesian 1200 GMT 27 Mar 82]

CSO: 5200/5644

LAW OF SEA DEVELOPMENTS ASSESSED

Criticism of U.S. Position

Warsaw TRYBUNA LUDU in Polish 9 Mar 82 p 6

[Interview with Prof Dr J. Symonides, director of the Polish Institute of International Affairs; date and place not specified]

[Text] The 11th Session of the Third Conference of the Law of the Sea was convened in New York on 8 March. Enduring since 1973, the work of the conference was supposed to be completed last year at the 10th Session in Geneva. The formal signing of the Convention of the Law of the Sea is supposed to take place in Caracas in September of this year. A representative of TRYBUNA LUDU asks Prof Dr J. Symonides, who participated in the work of the conference on behalf of Poland, a number of pertinent questions.

[Question] Why has the conference lasted so long?

[Answer] According to the definitive program prepared during the 10th Session, the next session--the 11th--is supposed to be the last one. It is assumed that the conference will be in session from 8 March to 30 April in accordance with the detail five-stage program which is supposed to lead to the acceptance of the convention. In principle, all the important issues which were the subject of negotiations at the Third Conference of the Law of the Sea were resolved. Only two matters remain unresolved: the question of the participation of international organizations and national liberation movements in the coming convention, and the question of the preparatory commission which is supposed to make preparations to initiate work on the future Organization for the Seabed when the conference is finished.

The question of the participation of international organizations does not evoke great reservations. However, many differences of opinions of a political nature crop up concerning the participation in the convention of national liberation movements. The developing countries (the so-called Group of 77), which represent a decisive majority of the conference attendees (over 120) and the socialist countries support the solution anticipating the participation

of the national liberation movements, but the Western countries, especially the United States, as indicated in information published in the American press at the end of January, are registering reservations against such a possibility. Editorial work on the text of the convention is a completely separate issue and remains unfinished.

The most important question, however, which can have a bearing on the results of the 11th Session, is the attitude of the United States toward the results to date of the Third Conference of the Law of the Sea. In 1981, the American administration reviewed its previous approach to the fundamental and already agreed to portions of the draft convention concerning the principles of exploiting seabeds beyond national boundaries of jurisdiction. Thus, the concern here is about those seabed regions that represent the so-called common heritage of mankind. Washington has stipulated that the convention would not be ratified by the Senate if the accepted system of exploitation and research as well as resolutions concerning the structure and system of voting in the future Organization for the Seabed endanger the parochial interests of the United States. Among other things, the concern here is about establishing production limits, about obligatory transfer of technology, and that greater exploitation authorization and facilitation are assumed for enterprises of the Organization for the Seabed as opposed to private American and other firms. The United States argues that this will impact economic results and competition and at the same time discourage private capital from investing.

As a sideline to the entire package of American reservations, it should be stated that up to now the American delegation not only participated in working out all solutions but many of them were placed into practice simply on its initiatives. These solutions do not represent propositions of a single group of nations. At least some of them are unsatisfactory to the developing countries, in many instances this also concerns the socialist countries.

However, the assumption was accepted that all of these controversial and complicated questions concerning the seabed, navigation, the continental shelf, investigating and protecting the sea environment, and so forth can be resolved by compromise but only within the framework of the so-called package. The issuance of reservation in the final stage of the conference was received with much criticism by a vast majority of the conference attendees, which they already expressed at the 10th Session. Among other things, it was considered to be disdainful of international society and its interests, that it violated good negotiation practices, especially the principle of devolution in international negotiations. If the United States submits too many amendments that are far-reaching, then their thorough negotiation at the 11th session can turn out to be unrealistic. In this situation, the international community will be confronted with the problem of deciding whether to accept the convention without the participation of the United States. This will have a definite negative effect on international cooperation, but it is possible that no other solution will be possible.

[Question] What role is being played by the socialist countries, including Poland, in the conference? What is their position?

[Answer] The socialist countries are active advocates for finishing the work and accepting the convention by way of consensus. This has been their position for a long time. At the 10th Session, our countries consistently collaborated with the Group of 77; unfortunately we were unable to achieve our goal.

The socialist countries have taken the position that the many complicated questions concerning the principles and means of using the oceans and seas can be settled only by way of compromises which take into account the interests of the entire international community. Thus they have supported and put forward many compromise proposals for resolving the problems associated with the future Organization for the Seabed. They also emphasize the great importance of mandatory freedom of navigation in the new Law of the Sea. The socialist countries consistently emphasize the significance of accepting the Convention of the Law of the Sea without which the World Ocean can become an arena of confrontation, conflicts and unilateral claims.

[Question] How can one evaluate the revocation of Poland's permit to fish in the economic zone of the United States in the context of the draft convention of the Law of the Sea?

[Answer] Concerning the question of access to the living resources of an economic zone, it should be stated that the convention acknowledges the right of a coastal state to regulate these resources. If, however, a so-called surplus exists in an economic zone because the coastal country does not harvest the quota of fish that could be harvested without damaging the so-called schools of fish, then that quota should be made available to other countries. The convention emphasizes very clearly the obligation of making this quota available to other countries.

Regarding the question as to who can claim a portion of this surplus, Article 62 of the draft convention states that a coastal country should consider the necessity of lessening the negative economic effects for those countries who traditionally fished in these regions and who contributed important work in investigating and identifying resources. Poland fulfills these requirements.

A second consideration by which coastal countries should be guided results from Article 70 of the convention. The convention anticipates that "a nation having a geographically disadvantageous location" has a specific right to participate in the exploitation of appropriate portions of a surplus. Poland is such a country because we cannot establish a full 200-mile economic zone in the Baltic Sea, and our geographical location means that satisfying the food needs of our people requires access to the economic zones of other nations. Thus in the light of the provisions of the draft convention, Washington's decision to revoke our fishing agreement violates our justified claims based on two rights. Without a basic change of circumstances from the viewpoint of international law, it thus represents a unilateral abrogation of the agreement to make quotas available.

Economic Consequences

Warsaw GOSPODARKA PLANOWA in Polish No 10, Oct 81 pp 477-478

[Article by Leszek Sobczak: "The Economic Consequences of the New Convention on the Law of the Sea"]

[Text] The Third Conference of the Law of the Sea has been laboring for the past 7 years (with some breaks) to create a new legal order on the seas. The fruit of their labors is the unofficial draft convention on the Law of the Sea which will probably undergo very little change during the course of forthcoming negotiations.

In evaluating the results to date of the above conference, which were presented in the 1980 UN Activities Report, Secretary General Kurt Waldheim stated that they were the most significant international achievement since the UN Charter was ratified, and he expressed the hope that the convention would be ratified in 1981.

In conjunction with this the question arises: What will change the new convention on the Law of the Sea? Above all, our national interests concern the resolutions about navigation and fishing. These two areas, though they differ significantly, were unexpectedly linked with the claims of coastal states to have exclusive rights to exploit the resources of the seas.

After World War II, some Latin American countries began to claim a 200-mile territorial sea. In truth, however, these claims were not recognized by other countries, but the emergence of the idea of yielding to coastal states sovereignty over a 200-mile sea zone was the spark that did not die out but smouldered for a long time, bursting into flames in the 1970s. Other nations, who freed themselves from colonial rule and who wanted to liberate themselves as quickly as possible from poverty and backwardness, took up the idea. As one of the possible ways of accelerating their development, they claimed the resources of the seas bordering their shores, and not only within the narrow 3-, 6-, or even 12-mile sea zones.

During the 1971-1972 period, the African countries demanded that their rights to live and mineral resources in the 200-mile economic zone be recognized. At the same time the countries of the Caribbean Sea Basin passed a declaration calling for the establishment of a 200-mile patrimonial sea zone.

These new demands were a real shock to those who were accustomed to the traditional principles of international law according to which neither territorial seas nor an exclusive fishing zone can extend beyond 12 nautical miles from a shore. Beyond such a territorial sea, the open sea unfurls to everyone.

1. Based on the draft convention on the Law of the Sea and other published materials from the 10 sessions to date of the Third Conference of the Law of the Sea.

A territorial sea is a part of the territory of a coastal state. Foreign ships are entitled only to the right of safe passage. Many countries, including Poland, do not recognize such a right to warships. Foreign aircraft cannot fly over territorial seas without the approval of the coastal state. In this area, there is no freedom to fish or conduct scientific research.

A real fear existed that unless an agreement were reached regulating economic zones, then they would be established in the form of territorial seas. The acceptance of this alternative would be a mortal blow to international navigation, especially since, at the same time, attempts are being made, under the pretext of protecting the environment, to impose on foreign ships unilateral requirements concerning the construction of ships, their equipment and crews.

In this complicated situation, the Third Conference of the Law of the Sea was called to find a reasonable compromise.

From the very start, the conference took place in an atmosphere of dogged combat among the so-called territorialists who wanted to expand territorial seas to 200 nautical miles, and the remaining countries who agreed to recognize economic zones under certain conditions; they vigorously defended the freedom of navigation. The Polish delegation defended our national interests and the realistic needs of the entire international community.

During the initial phase of the conference some developing countries were not aware of the relationship existing between the freedom of navigation and their own economic development. As is known, no nation can manage without international trade, and to a great extent this trade depends on the transport of goods on seas.²

During the course of many years of arduous negotiations, arguments and consistent convictions, the freedom of navigation remained intact. It can be said without any exaggeration that this is an historic victory for the entire international community to which the Polish delegation also contributed.

The rules limiting territorial seas to 12 miles were accepted. The right of all boats, ships and aircraft to unconstrained passage through a strait serving international navigation was guaranteed. The freedom of passage through the waters of archipelago states was also assured, making it possible for Polish ships to continue to sail without interference, for example, through the waters of Indonesia. The legal status of an economic zone was framed in such a way so as not to limit freedom of navigation.

An economic zone does not represent territorial waters of a country, but it is an area of open sea up to 200 miles wide on which a coastal state is entitled to exclusive fishing and certain other narrowly defined rights. Foreign nations can continue to take advantage of the freedom of navigation and flight, and the laying of undersea cables and pipelines.

2. Navigare necesse est--navigation is a necessity! This is a fact and not a well-worn slogan.

A consequence of acknowledging to a coastal state the exclusive right to exploit living resources is the cancellation of the freedom to fish on about 36 percent of the total sea area on which about 95 percent of all fish are caught; about 60 percent of the world tuna catch comes from fishing grounds included in these zones.

However, a coastal state cannot act completely independently relative to the live resources in its economic zone. The draft convention of the law of the sea requires that they manage these resources as effectively as possible (by applying the results of research and by cooperating with appropriate international organizations to protect these resources against overfishing and to maintain the species of fish that are caught at a level guaranteeing a constant, optimal output.

The coastal states are obligated to specify the completely allowable fish catch, to establish its own fishing capacity and to permit the surplus to be caught by foreign fishermen based on appropriate international agreements. The goal of these resolutions is to guarantee that all fish that can be caught within the framework of rational management can be caught. The world suffers from a lack of protein and cannot allow its waste by leaving fish in the sea which in time must die.

For many years the question of access to a surplus was the subject of sharp controversy in the line of division between the developed and developing countries was not at all sharp. The realization of the concept of an economic zone benefited above all those nations who possess extensive coasts bounded by waters rich in fish. Rich countries like the United States, Canada, Australia, Japan and New Zealand have such extensive zones. However, nations having especially disadvantageous locations lost out, that is, countries who in general cannot establish a zone or a zone that is small and contains insufficient resources to satisfy the food needs of its own people. Poland, among others, which is situated on a small, semiclosed sea with limited living resources, is such a country.

Poland's position regarding economic zones was presented at the Second Session of the conference which was held in Caracas in 1974. In expressing its willingness to recognize the rights of coastal states to establish economic zones, the chairman of the Polish delegation, the then vice minister of foreign affairs, S. Trepczynski, insisted in his speech that proper consideration be accorded to the needs of countries that can only overcome difficulties resulting from geographically disadvantageous locations by expanding deep-sea fishing. Poland's deep-sea fishing industry arose after the war and expanded dynamically. Polish fishing ships not only are at home on many distant fishing grounds but also contributed important work in investigating and identifying schools of fish.

To a certain extent, these facts have been taken into account in the draft convention as well as in legislation passed by some countries. For example, a 1976 U.S. law on fishing allowed certain privileges for those countries whose ships traditionally fished in areas within these zones.

The question of access to the living resources of economic zones has not yet been completely settled; however, there is no hope for great changes in the draft convention. Privileges in fishing areas will serve only the developing countries, especially inland countries and those having geographically disadvantageous locations. The rights of developed countries having geographically disadvantageous locations, such as Poland, unfortunately were limited to the economic zones of the developed countries located in the same region. However, one cannot make use of these rights relative to developed countries whose economies depend on fishing to a large extent.

Of great significance in realizing our interests are the adequately extensive establishment of the concept of a "region" as well as the acceptance of the resolution which does now exist that a country with a geographically disadvantageous location should have the right to fish in the economic zones of a neighboring region if in a given region there is no surplus.

If one was to honestly evaluate Poland's present situation, then our fishing industry cannot be considered for some kind of specific privilege in accessing the living resources of foreign zones. Fishing can be done in these zones but only on the basis of agreements with the coastal states concluded as usual on the basis of commercial principles. The extent of the access and the conditions under which we will be able to make use of the right to fish will depend on the knowledge, experience and cleverness of our negotiators.

In the new situation wherein easy access to fishing grounds has ended, the proper use of the Baltic's resources becomes a vital necessity. Of course, we have our own zone on this sea and we also participate in well-developed international cooperation in the fields of fishing and protecting resources within the framework of the Gdansk Convention of 1973 as well as bilateral agreements.

11899

CSO: 5200/3001

COAST GUARD PROTECTS TERRITORIAL LIMIT, CONTROLS POLLUTION

Bridgetown SUNDAY ADVOCATE-NEWS in English 7 Mar 82 p 15

[Article by Trevor Adams]

[Excerpts]

BARBADOS is continuing its development drive and gearing to bolster the economy by securing territorial and economic zone.

Declaration of the standard 200-mile economic zone by the countries in the Latin America and Caribbean region, was a contributor to the demise of the Barbadian shrimping and deep-sea fishing industry.

Barbados is similarly ensuring that no other country takes from this 166-square mile nation's share of whatever marine mineral resources and sea food is available in its own economic zone of the standard 200 miles. Theoretically, no one can fish or mine here without permission of the Barbados Government. However, special arrangements were necessary between this country and the Governments of St. Vincent, St. Lucia, Grenada, Trinidad and Tobago, and Martinique. They are between only 90 and 120 miles away from Barbados.

The established national maritime guardian over the 12 mile territorial limit around Barbados and its economic zone is the Barbados Coast Guard Services — the naval arm of the Barbados Defence Force.

Military protection is essential not only in the battle for economic survival but also to maintain safety at sea and

for the preservation of the lives of 2 000 or more Barbadian fishermen, tourists, whose numbers and foreign currency are a main plank in the economy, and mariners on the inter-island schooners, container ships, tankers and luxury liners.

Barbados is still the most stable among the nations of the Caribbean, many of which are newly independent with fragile economies. The latter characteristic, however, also applies to Barbados whose economy is precariously perched on the tripod formed from tourism, sugar and manufacturers in that order.

And the extremely difficult development problems facing this island are magnified by uncertain prices for the few primary products which are exported, declines in earnings from tourism, dwindling foreign investment, higher energy costs and global recession.

Imports always outstrip exports and this unbalanced trading out of Barbados' favour puts a deep dent in foreign exchange particularly when there are shortfalls in any two sectors. The oil and food bills are the principal eroders as shown in the January to October, 1981 official trade figures.

The nation's total food imports for the period cost \$136.3 million. Fish imports accounted for \$6.9 million of

the bill. Oil prices continued to escalate rapidly and saddled Barbados with a \$162.7 million bill for energy imports.

The food bill would have been a lot higher were it not for the 3 500 to 4 000 tons of fish landed by Barbadian fishermen with earnings of between \$14 million and \$17 million annually. Flying fish make up about half of the catches, dolphin 30 per cent, with other types of fish taking the rest.

But the fisheries authorities are confident that Barbados' economic zone has greater fish capacity and that this will be taken advantage of by the increasing number of newer type large fishing boats with ice boxes. The fisheries officials stressed that this "revolution" in fishing costs boat owners hundreds of thousands of dollars to buy the vessels and equip them, including the ice and fuel so that the crews can remain on the fishing grounds for a week. In other words, they can utilise the zone more fully than the fishermen using small boats.

Furthermore, the nation's economic zone hold out the possibility of tuna resource and other migratory fish from the Atlantic ocean — fish living off the bottom as against those feeding on the sea surface, the officials explained.

It is also believed by Barbadian geologists and energy officials that there is the possibility of minerals on and under the seabed. These include oil, natural gas, and manganese nodules.

Against this background and investment, the Barbados Government has responded to an obvious obligation of coast watching and the rescue of persons in distress at sea round this island's coasts. They have provided a Coast Guard base, HMBS Willoughby Fort — located at the Pierhead — and five vessels.

The defence spending was financed entirely by a concessionary loan from the British Government, in a package contracted to Brooke Marine of Lowestoft, England — the designers and builders of the Coast Guard's flagship, HMBS Trident.

A deterrent

In the present climate of economic recession, the Coast Guard not only places emphasis on giving quick assistance to Barbadian fishermen lost at sea and in emergencies involving tourist yachting and wind-surfing, but this efficient unit also acts as a deterrent to fishing vessels coming into the island's economic zone, and drug traffickers.

The Head of the Coast Guard, Lieutenant Commander James Oliver, emphasised the vital importance of providing proper military protection in these areas:

"The fact is that we are around and we will be seen to be around; and that actually affects this."

"If you have an armed force of disciplined people in uniform in boats at night, amongst a busy anchorage of yachts where perhaps there might be drug trafficking going on, or with other means of drug trafficking landing on remote beaches, if the Coast Guard vessels are visible and carry out random patrols people think twice."

"They are not sure what you are looking for, whether you have noticed them and so they would be much more careful about their approach to this island — in fact to the extent that we may deter them totally. It is a question of being seen on random business — like patrols that will actually benefit the country in those fields," the Coast Guard Chief said.

The Barbados Coast Guard Services will be able to handle oil pollution. Close to shore or the coast, oil pollution can be disastrous to the immediate area; environmental damage is more severe. The potential for oil pollution has increased dramatically due to the enormous rise in transportation of oil by ships and the great increase in the number and size of the ships themselves.

However, in the event of an accident, the Coast Guard Services have specialised equipment to rapidly clean the coasts and sea round Barbados.

SCIENTIFIC SEARCH WITH USSR IN EXCLUSIVE ECONOMIC ZONE

Havana MAR Y PESCA in Spanish Dec 81 p 28

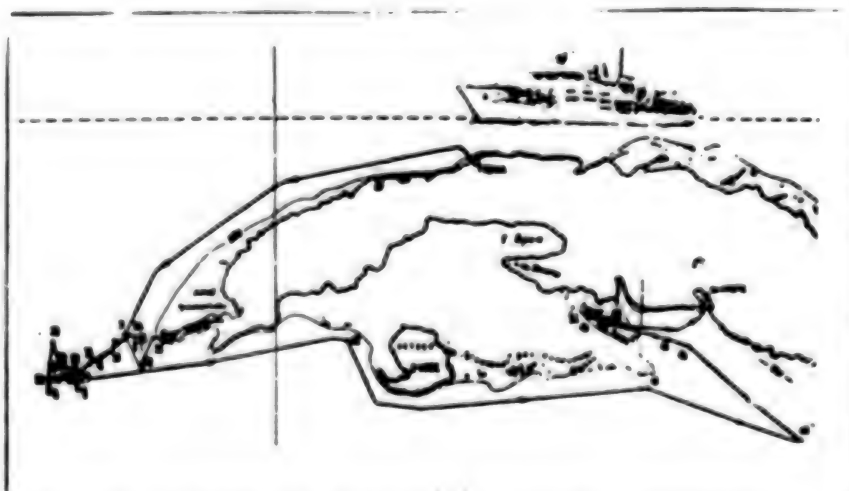
[Extract from BOLETIN DE LA ACADEMIA DE CIENCIAS DE CUBA]

[Text] As part of the cooperation agreement between the Academy of Sciences of Cuba and the Soviet Academy of Sciences, there was a joint expedition of their oceanology specialists on the ship "Academico Mitislav Keldish" recently. Academician Vitale Boitov headed the expedition.

The Cuban scientific collective included Dr Otmara Abello, doctoral candidate in sciences, and engineer Leopoldo Blazquez and engineer Jorge Fojo, specialists in marine geology and physics.

The trip began in Havana Bay, continued to the Yucatan Channel area, the southern coast of Cuba to Cienfuegos Bay, the Golfo de Cazones, Cienaga de Zapata and finally back to Cienfuegos.

During the 12 days of on-board research, the Cuban scientists basically studied the areas with fishing importance for our country. The studies included marine physics, marine geology, etc.



First trip made by the "Academico Mitislav Keldish" research ship in waters of the exclusive economic zone of Cuba

As is established in the bilateral pact between the Cuban and Soviet Academies of Sciences, this trip opens the way for other joint expeditions with scientific objectives.

AGREEMENTS WITH VARIOUS COUNTRIES STUDIED

Luanda JORNAL DE ANGOLA in Portuguese 7 Mar 82 p 1

[Text] A source close to the Ministry of Fisheries told ANGOP [Angolan Press Agency] that lack of cadres and technical means prevent Angola from immediately joining the programs in the field of fisheries recommended by the third meeting of the countries coordinators of the Program of Action of the Movement of Nonaligned Countries in April of last year in Havana (Cuba).

That meeting approved several documents aimed at cooperation and development of fishing activities among members of the Movement of Nonaligned Countries, stressing the recommendations of consultations of fishing on the high seas, building of ships, exchange of fishing information and establishment of groups of experts.

Meanwhile, as the source revealed, Angola contemplates the purchase, within a short time, of 20 ferroconcrete ships from Cuba, as well as cooperation with Nigeria for the creation of a joint firm in Cabinda Province.

At this time, according to the same source, exchange of experiences in the fishing area continues with Mozambique, there is a protocol of interests with Libya, and ways for Angola to grant licenses for fishing will be studied with Congolese firms connected with fishing. Also within the framework of nonaligned countries, a Nigerian ship "Ibru" is fishing, experimentally, in territorial waters of the People's Republic of Angola.

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MOZAMBIQUE

MORE SEVERE SENTENCE FOR SOUTH AFRICAN BOAT

Maputo NOTICIAS in Portuguese 18 Mar 82 p 10

[Text] The Superior Appeals Court of the People's Republic of Mozambique has decided to increase the penalty imposed on Willy Hansen, the captain of the South African fishing boat "Hawk" DNA19. Last month he was intercepted in Mozambican territorial waters carrying a ton of fish, according to a report issued by the AIM [Mozambique Information Agency], citing sources of that higher court.

According to the same source, in the sentence which was announced the day before yesterday, the court ordered the confiscation of the vessel with all equipment, and sentenced Willy Hansen, a Danish national, to a fine of 800,000 meticals (about 22,000 rands) in freely convertible currency, and to 10,500 meticals in court expenses.

Thus, the sentence of the Maputo Maritime Court, which had tried and sentenced Willy Hansen to a fine of only 800 meticals, was annulled.

The suspension of the first sentence was requested by the Attorney General of the Republic on the basis of manifest illegality, resulting from total lack of application of the penalty provided for in the law approved by the People's Assembly in 1978.

The law provides for penalties ranging from 750,000 to 10 million meticals in case the violation was limited to jurisdictional waters, and confiscation of the vessel if it is proven that it was fishing, preparing for fishing or transshipping fishing products in territorial waters without due authorization.

After reviewing the entire process, including the depositions of witnesses and of Willy Hansen himself, it was considered that there had been preparations for fishing in territorial waters, which fact had not been taken into consideration by the Maputo Maritime Court.

As a matter of fact, writes AIM, in these depositions it was stated that the vessel had been fishing on 7 February in Zavora, Inhambane Province, and was again preparing lines for another fishing day.

When the ship was intercepted on 8 February, 1.6 miles from the coast near Ponta Dobela, Maputo Province, the fishing rods were ready, with bait on the hooks.

It was also proven that the ship often fishes in Mozambican waters, mainly in the areas of Ponta de Ouro, Monte Belo and Boa Paz. Hansen even admitted that they fished in Mozambican waters, but that he was convinced that the supervision was not effective.

The Superior Appeals Court also considered the loss, in favor of the State of Mozambique, of the value of the fish found aboard, which was evaluated at some 70,000 meticals.

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COMMENTATOR SEES NEW LAW OF SEA BENEFITING COUNTRY

AB291340 Lagos Domestic Service in English 0600 GMT 29 Mar 82

[Commentary by Oscar Ede]

[Text] Today, the world awaits a new international law of the sea to replace the old one contained in the four Geneva conventions of 1958. The tough bargaining between 150 states which started since December 1963 is yet to materialize into a permanent test treaty. The emerging law is in many ways significantly different from the old law. Admittedly, the journey to this point has been rough as the developed countries whose interests predominate in the old law of the sea find it difficult to accept the need for equality, peace and justice for the sea. But on the other hand, the developing countries are equally determined to create a new legal order. The irony in the current conference is that alliances have not been formed among negotiating states along traditional, ideological liberal and socialist or capitalist and communist lines.

Instead, alliances have been on a national level of development line--the underdeveloped versus the developed. Because of the increase in the resources of the sea, major industrial countries have suddenly developed strange (?demands) themselves in opposition to the poor countries of the world who constitute over 3/4 of the negotiating states. In the present conference, about 115 (?subjects) were listed for negotiations. The major issue centered around who owns and controls what parts of the world oceans and seas as well as the living and non-living resources of these oceans. The conference will also define the rights and duties of other states, notably, the land-locked and geographically disadvantaged states in the different areas of the world's oceans. [Passage indistinct] The remaining issues mainly concern voting procedure and methods of granting exploration license in the international seabed areas. This part has been holding back the emergence of a new law of the sea. It is these same issues that led to the stalemate at the last conference. The United States Government has asked for time to review the draft agreement, especially as it concerns the area on the mining of the seabed. But the majority of delegates felt that this could reopen old arguments and thereby delay the final agreement. The present arrangement recognizes two distinct areas: The national area comprising the 321-kilometer exclusive economic zone, EEZ, and the international area comprising areas outward of the EEZ.

The area is known as the common heritage of mankind and it is to be managed by an international seabed authority. This second area has generated problems due to the reluctance of the industrialized world, which has vast technology, resulting in the problem of granting concession or exploration license to multinational corporations. However, issues have been almost resolved in the national areas, that is, the exclusive economic zone. The rights and duties of states, both coastal and land-locked, in other states have been resolved particularly as they relate to exploitation, preservation, research and other basic freedoms on the sea.

One major breakthrough in the new law is the adoption of a breadth of 19 kilometers for the territorial sea. This issue had eluded all conferences organized since the beginning of this century.

What therefore are the implications of these developments for Nigeria? Like every other coastal state, Nigeria stands to gain by the adoption of a 321-kilometer exclusive economic zone. Politically, the country will gain about 8,000 square kilometers of territorial area and another 104,000 square kilometers of preserved economic resources zone. Strategically, the gain will help to create a large security buffer zone for the country's defense. Economically, the entire area will remain exclusive to Nigeria as far as mineral resources as well as living resources are concerned.

So far, the fishery and mineral potentials of the coast of Nigeria are no more a secret. As far as unilateral claims on the sea are concerned, Nigeria has been considerably moderate. It took about 89 years for Nigeria to alter the 5-kilometer territorial sea limit to 19 kilometers, that is from 1878 to 1967. By 1971, Nigeria had extended it to 48 kilometers and finally in October 1978, she declared the 321-kilometer exclusive economic zone. It will be important to equally point out Nigeria's stand as to certain issues. As far as international seabed mining is concerned, Nigeria maintains that the systems of financing exploitation, the resources policy and production control should [words indistinct] i.e. check against any injuries to the economies of poor countries. If a new law of the sea finally emerges, it could--in its own way--be a Magna Carta for these countries.

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BONN SET COURSE FOR SEPARATE TREATY ON MARITIME MINING

Hamburg DER SPIEGEL in German 15 Mar 82 pp 47, 49

[Text] With a separate treaty the FRG is undermining the LOS conference-- final round in the struggle for distributing gigantic reserves of raw materials.

The negotiating delegations had withdrawn into the seclusion of the Santa Clara convent in the little north Iberian city of Tordesillas. The document, which the Spanish ambassador and his Portuguese colleague signed on 7 June, sealed the division of the world. An arbitrary line of demarcation between the 48th and 49th meridians guaranteed the two countries the conquest of entire parts of the earth: the western part was to belong to the Spaniards, the eastern to the Portuguese.

The 1494 Treaty of Tordesillas, a brazen act of large power supremacy politics, had come into being through the mediation of Pope Alexander VI who had declared himself arbitrator in the distribution of continents.

Rome is no longer in demand as the last court of appeals in the now impending division of the globe. The relationships are more complicated.

Nonetheless, at the LOS conference which met for its 11th session on Monday of last week at the United Nations in New York, the issues are the distribution of 71 percent of the earth's surface, the demarcation of territorial and economic zones at sea, shipping and fishing rights, but mainly the distribution of the enormous deposits of raw materials in the oceans.

The experts estimate that in about 20 years half the world's requirements for nonferrous metals will be met from the oceans, mainly in the form of manganese nodules. At the latest, from 1988 on the facilities will be available to mine the precious sea rock from depths up to 7,000 meters. In addition to manganese and cobalt, which are used to produce high quality steels, it also contains copper and nickel.

And as before in Tordesillas, it is again the great countries that want to assure themselves the most lucrative latifundia by exploiting their economic and technological position of priority in the matter of distributing these natural resources.

Secretly the Americans, French, British and Germans came to an understanding even before adoption of a U.N. convention on the use of the oceans. The four delayed final signing until after the New York conference in order to keep the developing countries prepared for compromise. For the purpose of the agreement is clearly contrary to their interests: investments by companies which are now involved in deep-sea mining are quite emphatically to be protected.

But mainly the treaty partners are guaranteeing each other the right to protect licenses for developing fields of manganese nodules in international waters. The details are regulated in the national deep-sea mining laws.

In practice this means: the four countries, which before long will be joined by Japan, and possibly even Italy, Belgium and the Netherlands, are independently staking out their claims before the United Nations has reached agreement on international control. Thus, they are undermining the efforts of the LOS conference for a just distribution of the natural resources.

Even prior to the beginning of the New York conference the parliament in Bonn, in rare unanimity and virtually unnoticed by the public, set a new course. On 21 January, shortly after 7:30 pm a small group of Bundestag delegates from all three fractions, who were left over from exhausting budget debates, "unanimously and without discussion" passed inconspicuous amendment 9/1074; that authorization which gives the Federal Government a free hand in negotiating the special treaty with the United States, France and Great Britain.

The event is unique in the history of the Bonn parliament--none of the delegates was familiar with the exact purpose and the details of the treaty.

Noteworthy also is the haste: rarely have bills been pushed through the plenum in such a short time: there were not even 2 months between motion and passage.

The action was not fishy in the eyes of the legal committee in Parliament. Legal committee chair, Herta Daeubler-Gmelin (SPD), admonished that to be sure, there was "no sweeping" constitutional consideration, but once and for all it would be nice to "know that the action taken is restricted to imperative exceptions."

But the issue might perhaps not seem so imperative to everyone. Even in the fraction meeting held for preliminary discussion, Uwe Holtz, the SPD's spokesman for development policy, had demanded a slower pace. There had scarcely been time for the committees to examine the bill in due order.

Holtz stated that he feared the usable sea bottom would be divided up for the foreseeable future among the countries engaged in deep-sea mining; the developing countries would be the losers. The basic idea of the LOS conference to administer the oceans as the "common heritage of mankind" would thus be turned around.

Egon Franke and Annemarie Renger, right-wing fraction members, immediately brushed the critics off. Reservations were out of order, the issue had to be pushed through now.

The people in Bonn had in fact gotten caught up in pressure. Mainly the Americans were pressing for haste. They want to see orderly circumstances at their doorstep as soon as possible: the first fields of manganese nodules are to be surveyed in the Pacific, between California and Hawaii. A huge area will be divided into large lots that are 160,000 square kilometers. National and international mining consortia can soon acquire concessions.

The lobby is strong. Making up the party are conglomerates like Kennecott Copper, US Steel, Rio Tinto Zinc, BP, Shell, Mitsubishi and Lockheed. For the FRG Preussag, Metallgesellschaft and Salzgitter are involved, which as a consortium hold 25 percent of the "Ocean Management Inc" (OMI) multi.

Thanks to the involvement of OMI the Germans might be able to count on an annual mining output of over 4 million tons in 6 years when mining, according to the agreement, may begin at the earliest. With a single stroke the FRG would have met almost 40 percent of its nickel requirements and even up to 100 percent for cobalt and manganese.

Of course, at the LOS conference the developing countries wanted to put a stop to that. According to the demand, the industrial countries would have to make know-how and technology in deep-sea mining accessible to the countries of the Third World at "appropriate and reasonable prices," as stated in the draft treaty. An international raw materials authority is to control mining even operate it itself from case to case and distribute a part of the yields in an appropriate way.

Something like this reeks of nasty regimentation as far as the Federation of German Industries (BDI) is concerned. In a lobby letter to the members of four Bundestag committees the BDI let the members know what the result would be if the wishes of the developing countries were accommodated: "The LOS convention will" degrade "Germany into an interior country like Nepal."

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